

APR-19-02 FRI 10:04 PM SANCHELL

703 250 9480

P.01

CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, FAX NO. (703) 872-9302 ON 19 April 2002.

NAME OF PERSON SIGNING CERTIFICATE: Scott J. Anchell

SIGNATURE: Scott J. Anchell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Stephan BOLZ.)

Application No.: 09/622,696)

Group Art Unit: 3747

Filed: 1 November 2000)

Examiner: Dolinar, A.

For: CONTROL SYSTEM FOR AN)
INTERNAL COMBUSTION ENGINE)

Commissioner for Patents
Washington, D.C. 20231

FAX RECEIVED

APR 19 2002

GROUP 3700

AMENDMENT TRANSMITTAL FORM

Sir:

1. Transmitted herewith is a Request for Reconsideration Under 37 C.F.R. § 1.111 in reply to the Office Action dated 19 December 2001.
2. Additional papers enclosed:

- ☐ Request for Approval of Drawing Change
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, _____ reference(s) included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer-readable copy and/or amendment pertaining thereto for biotechnology inventions containing nucleotide and/or amino acid sequence.

Received from <703 250 9480> at 4/19/02 11:02:16 PM [Eastern Daylight Time]

04/23/2002 SLITTLE 00000001 500310 01 FC:115 110.00 CH

Attorney Docket No.: 051480-5018
 Application No.: 09/622,696
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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00

Extension of time fee due with this request: \$110.00

If an additional extension of time is required, please consider this a Petition therefore.

☐ An extension for _____ months has already been secured and the fee paid therefore of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

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 Application No.: 09/622,696
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5. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(c))	16	minus	20	0	x \$18 each =	+ \$ 0.00
Independent Claims (37 C.F.R. § 1.16(b))	1	minus	3	0	x \$84 each =	+ \$ 0.00
[] First presentation of Multiple dependent claim(s)					\$270.00	+ \$ 0.00
SUB-TOTAL =						\$ 0.00
Reduction by ½ for filing by a small entity						- \$ 0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

- [] No fee is to be paid at this time.
- [X] The Commissioner is hereby authorized to charge \$110.00 to Deposit Account No. 50-0310.
- [X] The Commissioner is hereby authorized to charge any additional fees that may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP

By: Scott J. Anchell
 Scott J. Anchell
 Reg. No. 35,035

Date: 19 April 2002

Customer No.: 009629
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NAME OF PERSON SIGNING CERTIFICATE:	<u>Scott J. Ansell</u>
SIGNATURE:	<u><i>Scott J. Ansell</i></u>

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ATTORNEY DOCKET NO.: 051480-5016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Stephan BOLZ.)

Application No.: 09/622,696)

Filed: 1 November 2000)

For: CONTROL SYSTEM FOR AN)
INTERNAL COMBUSTION ENGINE)

Group Art Unit: 3747

Examiner: Dolinar, A.

Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111

Sir:

In reply to the non-final Office Action dated 19 December 2001 from the United States Patent and Trademark Office, the period for response to which has been extended one-month to 19 April 2002, please reconsider the above-identified application in view of the following remarks.

Remarks

The non-final Office Action dated 19 December 2001 has been reviewed, and respectfully submitted in response thereto are the following remarks. Claims 1-16 are currently pending in the application, and are respectfully submitted for reconsideration by the Examiner.

Claims 1, 2, 5, and 8-15 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,869,744 to Suzuki et al. (Suzuki). Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of U.S. Patent No. 4,668,873 to Ohba et al. (Ohba). Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of U.S. Patent No. 5,161,087 to Frankeny et al. (Frankeny). Claims 6 and 16 were rejected